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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION

11 JUAN CARLOS NEGRETE, an
individual,

12 Plaintiff,

13 vs.
14

15 AMAZON.COM SERVICES LLC, a
Delaware limited liability company; and
DOES 1 through 10, inclusive,

16 Defendants.
17

Case No.

**DEFENDANT AMAZON.COM
SERVICES LLC'S NOTICE OF
REMOVAL OF CIVIL ACTION
UNDER 28 U.S.C. § 1441(b)**

18
19 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF
20 JUAN CARLOS NEGRETE:

21 PLEASE TAKE NOTICE that Defendant AMAZON.COM SERVICES LLC
22 ("Amazon" or "Defendant"), pursuant to 28 U.S.C. § 1441, hereby removes the
23 above-entitled action to this Court from the Superior Court of the State of California
24 in and for the County of Fresno.

25 **I. FACTUAL AND PROCEDURAL BACKGROUND**

26 On February 1, 2023, Plaintiff JUAN CARLOS NEGRETE ("Plaintiff") filed
27 a civil complaint in the Superior Court of the State of California, County of Fresno,
28 entitled *Juan Carlos Negrete v. Amazon.com Services LLC et al.*, Case No.

23CECG00392. A true and correct copy of the Complaint (hereinafter the “Complaint”), together with its Civil Case Cover Sheet, is attached as **Exhibit A** to the Declaration of Jaya Bajaj (“Bajaj Decl.”) submitted concurrently herewith. *See* Bajaj Decl., ¶ 1.

In his Complaint, Plaintiff alleges seven causes of action against Amazon: (1) Disability Discrimination (FEHA); (2) Failure to Engage in the Interactive Process (FEHA); (3) Failure to Accommodate (FEHA); (4) Failure to Prevent Discrimination and Retaliation (FEHA); (5) Retaliation (FEHA); (6) Wrongful Termination (FEHA); (7) Retaliation (Labor Code). *See Exh. A* at 1. Plaintiff seeks general and special damages, compensatory damages, punitive damages, reasonable costs, pre- and post-judgment interest on monetary damages, and attorneys’ fees and costs. *See Exh. A* at 15.

On February 10, 2023, Amazon was served with Plaintiff’s Complaint. Bajaj Decl., ¶ 2. On March 13, 2023, Amazon answered Plaintiff’s Complaint in State Court, which is attached as **Exhibit B** to the Declaration of Jaya Bajaj submitted concurrently herewith. *See* Bajaj Decl., ¶ 3; **Exh. B.** (Amazon.com Services LLC’s Answer to Plaintiff Juan Carlos Negrete’s Unverified Complaint).

II. THE NOTICE OF REMOVAL IS TIMELY

This Notice of Removal has been timely filed within thirty (30) days after “service on that defendant of the initial pleading.” *See* 28 U.S. § 1446(b)(2)(B).¹

III. THIS COURT HAS DIVERSITY JURISDICTION

This case is removable because this Court has original jurisdiction based on the parties’ diversity of citizenship. *See* 28 U.S.C. § 1332(a) (“The district courts shall have original jurisdiction of all civil actions where the matter in controversy

¹ Amazon’s time to respond was extended from March 12, 2023 to March 13, 2023 because March 12 was a Sunday. Fed. R. Civ. P. 6; Cal. Civ. Proc. Code § 2016.060.

1 exceeds the sum or value of \$75,000 . . . and is between . . . citizens of different
 2 States”). First, Plaintiff and Amazon are citizens of different states. Plaintiff’s
 3 Complaint alleges that he resides in the state of California and has lived in
 4 California at all relevant times. *See Exh. A* at 3.

5 Defendant Amazon.com Services LLC is not a citizen of California. For
 6 purposes of diversity jurisdiction, “an LLC is a citizen of every state of which its
 7 owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437
 8 F.3d 894, 899 (9th Cir. 2006). At all times relevant to this action, Amazon.com
 9 Services LLC has been a citizen of Washington and Delaware (but not California).
 10 The sole member of Amazon.com Services LLC is Amazon.com Sales, Inc., which
 11 is a Delaware corporation with its principal place of business in Seattle,
 12 Washington. A true and correct copy of the Washington Secretary of State
 13 Statement of Information for Amazon.com Sales, Inc. is attached as **Exhibit C** to
 14 the Declaration of Jaya Bajaj submitted concurrently herewith. *See Exh. C*
 15 (Washington Secretary of State Statement of Information for Amazon.com Sales,
 16 Inc. listing principal office in Seattle, Washington and organized under Delaware
 17 law); Bajaj Decl., ¶ 4.

18 In addition, the amount in controversy exceeds \$75,000. Though Amazon
 19 denies that Plaintiff is entitled to any damages, Plaintiff seeks general damages,
 20 special damages, punitive damages, attorney’s fees, and more. *See Exh. A* at 15.
 21 California federal courts have routinely found that the amount-in-controversy
 22 requirement is satisfied in cases with similar claims. *See, e.g., Rodriguez v. Home*
 23 *Depot, U.S.A., Inc.*, No. 16-CV-01945-JCS, 2016 WL 3902838, at *1 (N.D. Cal.
 24 July 19, 2016) (amount-in-controversy requirement satisfied in wrongful
 25 termination case seeking lost wages, equitable relief, restitution, emotional distress
 26 damages, punitive damages, and attorneys’ fees and costs); *Castanon v. Int’l Paper*
 27 *Co.*, No. 2:15-CV-08362-ODW (JC), 2016 WL 589853, at *1–2 (C.D. Cal. Feb. 11,
 28 2016) (amount-in-controversy requirement satisfied in disability discrimination case

1 seeking lost earnings, emotional distress and punitive damages, and attorneys' fees);
2 *Simmons v. PCR Tech.*, 209 F.Supp.2d 1029, 1032, 1035 (N.D. Cal. 2002) (amount-
3 in-controversy requirement satisfied in employment discrimination case seeking
4 compensatory damages, punitive damages, emotional distress damages, injunctive
5 relief, and attorneys' fees). Thus, removal is proper based on this Court's diversity
6 jurisdiction.

7 **IV. VENUE IS PROPER IN THIS COURT**

8 Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of
9 which the district courts of the United States have original jurisdiction, may be
10 removed by the defendant or the defendants, to the district court of the United States
11 for the district and division embracing the place where such action is pending."
12 This Court embraces the Superior Court of the State of California for the County of
13 Fresno, which is where Plaintiff's Complaint was originally filed. Accordingly, this
14 Court is the appropriate court to which to remove this action.

15 **V. NOTICE OF REMOVAL**

16 Amazon will promptly serve this Notice of Removal upon Plaintiff, and will
17 also file a copy of this Notice of Removal with the Clerk of the Superior Court of
18 the State of California, County of Fresno.

19 Dated: March 13, 2023

FARELLA BRAUN + MARTEL LLP

21 By:

22 
Jaya Bajaj

23 Attorneys for Defendant AMAZON.COM
24 SERVICES LLC
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